

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

In re:)	
)	
NUVERRA ENVIRONMENTAL)	Bankruptcy Case No. 17-10949 (KJC)
SOLUTIONS, INC., <i>et al.</i> ,)	
)	
Reorganized Debtors.)	
<hr/>		
DAVID HARGREAVES,)	
)	
Appellant,)	
)	
vs.)	
)	Civil Action No. 17-cv-01024 (RGA)
NUVERRA ENVIRONMENTAL)	
SOLUTIONS, INC., <i>et al.</i> ,)	
)	
Appellees.)	
<hr/>		

**NOTICE OF APPEAL TO THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT**

David Hargreaves, appellant, appeals to the United States Court of Appeals for the Third Circuit from the Order (D.I. 47) of the United States District Court for the District of Delaware entered in the above-captioned bankruptcy appeal on August 21, 2018 (the “Order”), dismissing appellant’s appeal of the plan confirmation order in the above-captioned cases under chapter 11 of the Bankruptcy Code¹ on grounds of equitable mootness and, alternatively, affirming the confirmation order as consistent with existing precedent as more fully set forth in the Memorandum (D.I. 46) dated August 21, 2018 (the “Memorandum”). True and correct copies of the Order and the Memorandum are attached hereto as Exhibits A and B, respectively.

¹ The Debtors in these proceedings (including the last four digits of their respective taxpayer identification numbers) are: Nuverra Environmental Solutions, Inc. (7117), Appalachian Water Services, LLC (0729), Badlands Leasing, LLC (2638), Badlands Power Fuels, LLC (DE) (8703), Badlands Power Fuels, LLC (ND) (1810), Heckmann Water Resources Corporation (1194), Heckmann Water Resources (CVR), Inc. (1795), Heckmann Woods Cross, LLC (9761), HEK Water Solutions, LLC (8233), Ideal Oilfield Disposal, LLC (5796), Landtech Enterprises, L.L.C. (9022), NES Water Solutions, LLC (3421), Nuverra Total Solutions, LLC (6218), and 1960 Well Services, LLC (5084). The Debtors’ corporate headquarters is located at 14624 N. Scottsdale Rd., Suite 300, Scottsdale, Arizona 85254.

The parties to the Order appealed from and the names, addresses and telephone numbers of their respective attorneys are as follows:

Party

Counsel

Appellant

David Hargreaves

DRINKER BIDDLE & REATH LLP
Steven K. Kortanek (Del. Bar No. 3106)
222 Delaware Ave., Suite 1410
Wilmington, Delaware 19801-1621
Tel: (302) 467-4200
Fax: (302) 467-4201
E-mail: steven.kortanek@dbr.com

-and-

James H. Millar (admitted *pro hac vice*)
Clay J. Pierce (admitted *pro hac vice*)
Stacy A. Lutkus (admitted *pro hac vice*)
1177 Avenue of the Americas, 41st Fl.
New York, New York 10036-2714
Tel: (212) 248-3140
Fax: (212) 248-3141
E-mail: james.millar@dbr.com;
clay.pierce@dbr.com;
stacy.lutkus@dbr.com

Appellees

Nuverra Environmental Solutions, Inc., *et al.*

SHEARMAN & STERLING, LLP
Fredric Sosnick
William J.F. Roll, III
Sara Coelho
Stephen M. Blank
599 Lexington Avenue
New York, New York 10022-6069
Tel: 212-848-4000
E-mail: fsosnick@shearman.com;
wroll@shearman.com;
sara.coelho@shearman.com;
stephen.blank@shearman.com

-and-

YOUNG CONAWAY STARGATT &
TAYLOR, LLP

Pauline K. Morgan
Kenneth J. Enos
Jaime Luton Chapman
Rodney Square
1000 North King Street
Wilmington, Delaware 19801
Tel: 302-571-6600
E-mail: pmorgan@ycst.com;
kenos@ycst.com;
jchapman@ycst.com

Interested Parties

Supporting Noteholders

FRIED, FRANK, HARRIS, SHRIVER &
JACOBSON, LLP

Brad Eric Scheler
Jennifer Rodburg
Carl I. Stapen
One New York Plaza
New York, New York 10004
Tel: 212-859-8019 (Scheler)
212-859-8520 (Rodburg)
212-859-8022 (Stapen)
E-mail: brad.scheler@friedfrank.com;
jennifer.rodburg@friedfrank.com;
carl.stapen@friedfrank.com

-and-

PACHULSKI STANG ZIEHL & JONES LLP

Laura Davis Jones
Peter J. Keane
919 North Market Street
17th Floor
Wilmington, Delaware 19801
Tel: 302-652-4100
E-mail: ljones@pszjlaw.com;
pkeane@pszjlaw.com

Official Committee of Unsecured Creditors

KILPATRICK TOWNSEND & STOCKTON
LLP

Todd C. Meyers

Paul M. Rosenblatt

Michael D. Langford

1100 Peachtree Street N.E.

Suite 2800

Atlanta, Georgia 30309

Tel: 404-815-6500

E-mail: tmeyers@kilpatricktownsend.com;

prosenblatt@kilpatricktownsend.com;

mlangford@kilpatricktownsend.com

-and-

LANDIS RATH & COBB LLP

Richard S. Cobb

Matthew B. McGuire

Travis J. Ferguson

919 North Market Street

Suite 1800

Wilmington, Delaware 19801

Tel: 302-467-4400

E-mail: cobb@lrclaw.com;

mcguire@lrclaw.com;

ferguson@lrclaw.com

U.S. Trustee

Mark S. Kenney

Office of the United States Trustee

844 King Street

Suite 2207

Wilmington, Delaware 19801

Tel: 302-573-6491

E-mail: mark.kenney@usdoj.gov

Dated: September 19, 2018
Wilmington, Delaware

DRINKER BIDDLE & REATH LLP

/s/ Steven K. Kortanek

Steven K. Kortanek (Del. Bar No. 3106)

222 Delaware Ave., Suite 1410

Wilmington, DE 19801-1621

Telephone: (302) 467-4200

Facsimile: (302) 467-4201

steven.kortanek@dbi.com

-and-

James H. Millar (admitted *pro hac vice*)
Clay J. Pierce (admitted *pro hac vice*)
Stacy A. Lutkus (admitted *pro hac vice*)
1177 Avenue of the Americas, 41st Fl.
New York, NY 10036-2714
Tel: (212) 248-3140
Fax: (212) 248-3141
james.millar@dbb.com;
clay.pierce@dbb.com;
stacy.lutkus@dbb.com

Counsel for Appellant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

In re:)	
)	
NUVERRA ENVIRONMENTAL)	Bankruptcy Case No. 17-10949 (KJC)
SOLUTIONS, INC., <i>et al.</i> ,)	
)	
Reorganized Debtors.)	
<hr/>		
DAVID HARGREAVES,)	
)	
Appellant,)	
)	
vs.)	
)	Civil Action No. 17-cv-01024 (RGA)
NUVERRA ENVIRONMENTAL)	
SOLUTIONS, INC., <i>et al.</i> ,)	
)	
Appellees.)	
<hr/>		

CERTIFICATE OF SERVICE

I, Steven K. Kortanek, hereby certify that on September 19, 2018, I caused the foregoing **Notice of Appeal to the United States Court of Appeals for the Third Circuit** (the “Notice”) to be electronically filed with the Clerk of the Court using the CM/ECF System for the District of Delaware (the “CM/ECF System”) which will send notification of such filing to all parties who are participants in the CM/ECF System in accordance with D. Del. L.R. 5.2. I further certify that I caused a copy of the Notice to be served on the following counsel by First Class U.S. Mail, postage prepaid:

SHEARMAN & STERLING, LLP
Fredric Sosnick
William J.F. Roll, III
Sara Coelho
Stephen M. Blank
599 Lexington Avenue
New York, New York 10022-6069

*Counsel for Appellees Nuverra Environmental
Solutions, Inc., et al.*

YOUNG CONAWAY STARGATT &
TAYLOR, LLP
Pauline K. Morgan
Kenneth J. Enos
Jaime Luton Chapman
Rodney Square
1000 North King Street
Wilmington, Delaware 19801

*Counsel for Appellees Nuverra Environmental
Solutions, Inc., et al.*

FRIED, FRANK, HARRIS, SHRIVER &
JACOBSON, LLP
Brad Eric Scheler
Jennifer Rodburg
Carl I. Stapen
One New York Plaza
New York, New York 10004

*Counsel for Interested Party Supporting
Noteholders*

KILPATRICK TOWNSEND & STOCKTON
LLP
Todd C. Meyers
Paul M. Rosenblatt
Michael D. Langford
1100 Peachtree Street N.E.
Suite 2800
Atlanta, Georgia 30309

*Counsel for Interested Party Official
Committee of Unsecured Creditors*

Mark S. Kenney
Office of the United States Trustee
844 King Street
Suite 2207
Wilmington, Delaware 19801

Interested Party U.S. Trustee

PACHULSKI STANG ZIEHL & JONES LLP
Laura Davis Jones
Peter J. Keane
919 North Market Street
17th Floor
Wilmington, Delaware 19801

*Counsel for Interested Party Supporting
Noteholders*

LANDIS RATH & COBB LLP
Richard S. Cobb
Matthew B. McGuire
Travis J. Ferguson
919 North Market Street
Suite 1800
Wilmington, Delaware 19801

*Counsel for Interested Party Official
Committee of Unsecured Creditors*

DRINKER BIDDLE & REATH LLP

By: /s/ Steven K. Kortanek
Steven K. Kortanek (Del. Bar No. 3106)

222 Delaware Ave., Suite 1410
Wilmington, DE 19801-1621
Telephone: (302) 467-4200
Facsimile: (302) 467-4201
steven.kortanek@dbb.com